

REMARKS

Claims 1-21 are pending and under consideration. Further reconsideration is requested based on the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments. The Applicants, however, are disappointed that their arguments were not found to be persuasive. The final Office Action asserts in the first full paragraph at page 3 that:

Delis clearly teaches "storing a second address in each communication terminal for a connection to an alternate communication device" as; a TSNB numbers which are assigned and allocated on an as needed basis to defined and connect to roaming stations, please see Delis: col.3, lines 5-12.

This is submitted to be incorrect. Delis, rather, is describing storing information relating to the mobile stations 14 and their subscriptions in the home location register 20, not an address "for a connection to an alternate communication device" as recited in claim 1. In particular, as described at column 5, lines 1-12:

The home location register 20 stores information relating to the mobile stations 14 and their subscriptions comprising location information and service profile information. This information is stored by the home location register 20 in association with the subscriber (directory) number (SNB) and mobile identification number (MIN) for the mobile station 14. The home location register 20 further supports a plurality of temporary subscriber (directory) numbers (TSNBs) which are assigned and allocated on an as needed and temporary basis to established (defined and connected) roaming mobile stations 14' (i.e., roamers).

In Delis, moreover, the temporary subscriber number is a subscriber number for connecting the roaming subscriber within the network 10, so Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1, either.

Delis, moreover, describes temporary subscriber numbers that can be assigned and allocated for roaming mobile stations. Delis, however, says nothing about how this may be implemented. Delis, in particular, does not disclose that a second address is stored in a communication terminal, nor does Delis disclose that the second address is stored in each communication terminal. Instead, Figs. 2A, 2B, and 3 all show no direct communication between the terminal MS and either one of the HLR or VLR. Therefore, it is not shown, nor is

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any indication given, as to why the communication terminal should store a first address to HLR (as the home communication device), and a second address to VLR (as the alternate communication device). Delis simply has no need for that.

The final Office Action, finally, identifies the first and second addresses at pages 4 and 5 as the "mobile identification number (MIN)" and the "temporary subscriber number (TSNB)." Both the mobile identification number and the temporary subscriber number, however, are addresses to the communication terminal (MS), but not to the home or alternate communication device. Thus, even under the interpretation of Delis adopted by the final Office Action, Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in, for example, claim 1.

The final Office Action asserts in the second full paragraph at page 3 that:

Delis clearly teaches, "storing in the alternate communication device a standardized terminal profile" as; the default subscriber profile is retrieved from the database and transmitted to the VLR for storage with message forwarded to the mobile station, please see Delis: col.5, lines 30-40.

This is also submitted to be incorrect. Delis, rather, is describing how the default subscriber profile for the mobile station 14' is retrieved from the data base and transmitted by the registration notification (or qualification request) return result message 210, as in FIG. 2A, back to the visitor location register 22 for storage. In particular, as described at column 5, lines 30-40:

Once the actions 214, 216 and 218 are completed, the subscriber is recognized in the home location register 20, and the default subscriber profile for the mobile station 14' is retrieved from the data base and transmitted by the registration notification (or qualification request) return result message 210, as in FIG. 2A, back to the visitor location register 22 for storage, with the message forwarded on to the switching node 12 to confirm provision of service to the mobile station 14. Other known actions, for example, involving the authentication of the mobile station, also occur in connection with the registration process, but are not specifically illustrated.

The default subscriber profile of Delis, however, is *deleted* after the roamer mobile station 14' leaves the system, and cannot be a standardized terminal profile in the first place. If, on the other hand, the default subscriber profile of Delis were *standardized*, the default subscriber profile could presumably be *reused* by other mobile stations entering the system, and thus would not be deleted.

The final Office Action asserts in the third full paragraph at page 3 that:

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Matsuhira clearly discloses, "storing in the alternate communication device a standardized terminal profile" as; selecting a route and storing routing information of packets based on a dynamic routing protocol, see Matsuhira: col.2, lines 23-38.

This is also submitted to be incorrect. Matsuhira, to the contrary, describes routing information via a different routing in the case of a failure of a primary route. For this, static and dynamic routing tables are provided in several routers (see Fig. 27). These routing tables are evaluated to identify failures, and to route the information based on whether a failure occurred at a specific route or not.

It is not clear, however, where a standardized terminal profile could be found in Matsuhira, or where the standardized terminal profile is adopted to a particular communication terminal. In Matsuhira, rather, the communication terminals i.e. hosts X and Y in Fig. 27 are not even involved in the processing. Thus, Matsuhira is not "storing in the alternate communication device a standardized terminal profile" as recited in, for example, claim 1.

Even if, moreover, the packet routing information based on a dynamic routing protocol of Matsuhira were considered to be equivalent to a "standardized terminal profile," which it is not, the packet routing information is still not being stored in an "alternate communication device" as recited in, for example, claim 1. In Matsuhira, rather, the *same* communication device selects either first routing information based on static routing or second routing information based on a dynamic routing, depending on whether a failure occurs in the static route. No "alternate communication device" is involved at all. In particular, as described column 2, lines 23-38:

To accomplish the above object, according to one aspect of the present invention, a communication device for selecting a route of a packet comprises a static routing table storing first routing information of the packet based on static routing; a dynamic routing table storing second routing information of a packets obtained based on a dynamic routing protocol; and a judging unit obtaining the first and second routing information corresponding to a packet are obtained from the static routing table and the dynamic routing table; if failure do not occur in a static route as a route corresponding to the first routing information, selecting the static route as a route to which the packet should be forwarded; and selecting, if the failure occur in the static route, a dynamic route as a route corresponding to the second routing information obtained from the dynamic routing table, instead of the static route.

Since, in Matsuhira, rather, the same communication device selects either the static route, unless a failure occurs, in which case the communication device selects the dynamic

route, Matsuhira is not "storing in the alternate communication device a standardized terminal profile" as recited in, for example, claim 1.

The final Office Action asserts in the fourth full paragraph at page 3 that:

Matsuhira clearly discloses, "at least one standardized terminal profile included in terminal-relevant data in the alternate communication device" as; terminal specific data (i.e. call number assigned to terminal) stored in the gatekeeper by means of setup connection, see col.5, lines 9-13.

This is submitted to be incorrect. Terminal *specific* data cannot, by definition, be standardized, let alone "at least one standardized terminal profile" as recited in, for example, claim 20. Even if the terminal specific data of Matsuhira were, however, considered to be equivalent to a "standardized terminal profile, it is still not being "included in terminal-relevant data in the alternate communication device," as also recited in, for example, claim 20. There is, in fact, no "alternate communication device" in Matsuhira at all. In Matsuhira, rather, there is only one communication device T in which judgment processing unit 4 resides. In particular, as described at column 4, 38-42:

FIG. 1 is a diagram showing construction of the inputted packet processor 1 shown in FIG. 26. Referring to FIG. 1, the inputted packet processor 1 comprises a static routing table 2, a dynamic routing table 3 and a judgement processing unit (corresponding to a judging unit) 4.

The judgment processing unit 4, in turn, selects the next hop information from the static routing table 2, or the dynamic routing table 3, both of which are also included in communication device T. In particular, as described at column 5, lines 9-13:

To be more specific, the judgement processing unit 4, if no failure occur in the link (route) A, selects the next hop information from the static routing table 2. By contrast, the judgement processing unit 4, if a failure occur in the link (route) A, selects the next hop information from the dynamic routing table 3.

Since, in Matsuhira, the judgment processing unit 4 selects the next hop information from the static routing table 2, or the dynamic routing table 3, both of which are also included in communication device T, Matsuhira has no "at least one standardized terminal profile included in terminal-relevant data in the alternate communication device" as recited in, for example, claim 20.

Finally, the final Office Action asserts in the paragraph beginning at the bottom of page 3, and continuing at page 4, that:

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However, the rationale is complete and proper in view of the established standards for the rejections under 35 U.S.C. 103(a).

The final Office Action, however, acknowledges in the second full paragraph at page 10 that the Background "fails to disclose a methodology of storing in the alternate communication device, a standardized terminal profile," and then proceeds to modify the Background to include "pieces of address mask information in order to make searchable a network unit of the destination or a predetermined aggregated unit via dynamic routing," at page 10. Thus, even if the rationale were complete and proper in view of the established standards for rejections under 35 USC 103(a), as asserted in the final Office Action, the rationale would still not support a modification directed at "a methodology of storing in the alternate communication device, a standardized terminal profile," which was what was acknowledged to be lacking in the Background in the first place.

The identification of the components of the Background in the rejection, moreover, ought to be consistent when applying Matsuhira. Therefore, as shown in Fig. 1 of the Background, the communication devices are the gatekeepers G-A, G-B, and G-C, and the communication terminals are KE1, KE2, and KE3. In that case, however, in the event that the communication terminal KE1 could not connect to the communication device G-A because of a network failure, a person of ordinary skill in the art would have incorporated the routers of Matsuhira to connect the communication terminal KE1 with the communication device G-A by a *different* route, not connected it to an *alternate* communication device such as G-B. There is no indication, in fact, why routing should take place to the alternate communication device G-B at all. Thus, even under the interpretation of the Background adopted by the final Office Action, the claimed invention does not result.

Further reconsideration is thus requested.

Claim Rejections - 35 U.S.C. § 102:

Claims 1-8, 10-17, and 19 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,119,001 to Delis *et al.* (hereinafter "Delis"). The rejection is traversed. Reconsideration is earnestly solicited.

The third clause of claim 1 recites:

Storing a second address in each communication terminal for a connection to an alternate communication device.

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Delis neither teaches, discloses, nor suggests "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1. In Delis, rather, the default subscriber profile for the mobile station 14' is retrieved from the *home location register 20* in step 314, and delivered to the visitor location register 22. In particular, as described at column 6, lines 57-61:

The default subscriber profile for the mobile station 14' is then retrieved from the home location register 20 in step 314, and delivered to the visitor location register 22 (with confirmation of service to the switching node) in step 316.

Later in the process, the visitor location register *deletes* (action 238) the previously downloaded default subscriber profile for the roamer mobile station 14'. In particular, as described at column 6, lines 19-22:

Responsive thereto, the visitor location register deletes (action 238) the previously downloaded default subscriber profile for the roamer mobile station 14'.

This is to be contrasted with the claimed invention, in which a standardized terminal profile is -- permanently -- stored in the alternate communication device, and which will be adapted once it will be used, but will never be deleted or created again. Since Delis, on the other hand, deletes the previously downloaded default subscriber profile for the roamer mobile station 14', Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1.

Nor is the temporary subscriber number, to which the final Office Action analogizes the recited "second address," stored in the *mobile* station, to which the final Office Action apparently analogizes the recited "communication terminal." In Delis, rather, the temporary subscriber number (TSNB) is stored in the pool of available temporary subscriber numbers assigned to the home location register 20, and returned there upon deactivation. In particular, as described at column 6, lines 11-14:

This deactivation procedure includes, as one action 230, the returning of the assigned temporary subscriber number (TSNB) to the pool of available temporary subscriber numbers assigned to the home location register 20.

Since, in Delis, the temporary subscriber number (TSNB) is stored in the pool of available temporary subscriber numbers assigned to the home location register 20, and returned there

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upon deactivation, Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1.

Finally, in Delis, the temporary subscriber number is a *subscriber* number for connecting the roaming subscriber within the network 10, not an address "for a connection to an alternate communication device" as recited in claim 1. In particular, as described at column 5, lines 5-15:

Instead of sending the error message 212, as in FIG. 2B, indicating that the mobile station 14' mobile identification number is not recognized, the home location register 20 recognizes that this is a roamer first registration and initiates an activation procedure for automatically defining and connecting the roaming subscriber within the network 10. This activation procedure includes, as one action 214, the selection of a temporary subscriber number (TSNB) for the mobile station.

Since, in Delis, the temporary subscriber number is a subscriber number for connecting the roaming subscriber within the network 10, Delis is not "storing a second address in each communication terminal for a connection to an alternate communication device" as recited in claim 1.

The fourth clause of claim 1 recites:

Storing in the alternate communication device a standardized terminal profile.

Delis neither teaches, disk closes, nor suggests "storing in the alternate communication device a standardized terminal profile," as recited in claim 1. The default subscriber profile of Delis, rather, to which the final Office Action analogizes the recited "standardized terminal profile," is a *default* subscriber profile, not a standardized terminal profile.

The default subscriber profile of Delis, moreover, is *deleted* after the roamer mobile station 14' leaves the system, as discussed above. If, on the other hand, the default subscriber profile of Delis were *standardized*, the default subscriber profile could presumably be *reused* by other mobile stations entering the system, and thus would not be deleted. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 10-17 and 19 depend from claim 1 and add further distinguishing elements. Claims 10-17 and 19 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10-17 and 19 is also earnestly solicited.

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Claim Rejections - 35 U.S.C. § 103:

Claims 1-4, 9, 12, 18, 20, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the section of the subject application entitled "Background of the Invention," (hereinafter "Background") to which the final Office Action refers as "applicants admitted prior art," in view of U.S. Patent No. 7,075,932 to Matsuhira et al. (hereinafter "Matsuhira"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

Neither the Background nor Matsuhira teach, disclose, or suggest "storing in the alternate communication device a standardized terminal profile" as recited in claim 1. The final Office Action acknowledges this deficiency with respect to the Background at the bottom of page 11, and attempts to compensate for it by combining the Background with Matsuhira. Matsuhira, however, is not "storing in the alternate communication device a standardized terminal profile" as recited in claim 1 either, and thus cannot make up for the deficiencies of the Background in any case.

Matsuhira, in fact, mentions no "standardized terminal profile" at all. Nor does the final Office Action assert that Matsuhira does show a "standardized terminal profile." Routing information of packets based on a dynamic routing protocol, to which the final Office Action apparently analogizes the recited "standardized terminal profile," is not a "standardized terminal profile." The second routing information of Matsuhira, rather, corresponds to *next hop* information. In particular, as described at column 4, lines 52-58:

The dynamic routing table 3 is a routing table created based on dynamic routing. The dynamic routing table 3 is created according to a routing protocol such as RIP, OSPF etc. The dynamic routing table 3 contains next hop information (corresponding to second routing information of a packet) corresponding to destination information (which corresponds to a common search key) of the packet 6.

Since, in Matsuhira, the second routing information of the packet corresponds to a next hop information, Matsuhira is not "storing in the alternate communication device a standardized terminal profile" as recited in claim 1. Thus, even if the Background in Matsuhira were combined as proposed in the final Office Action, claim 1 would not result.

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Finally, the final Office Action provides no motivation or suggestion to combine the teachings of the Background and Matsuhira, as required by 35 U.S.C. § 103(a) and the M.P.E.P. §706.02(j)(D), beyond the assertion that:

At the time the invention was made, it would have been obvious to a person of ordinary skill of the art to modify the teachings of the prior art admitted by the applicant wherein the alternate destination address of a communication device in figure 1 in applicant admitted art would have incorporated pieces of address mask information in order to make searchable a network unit of the destination or a predetermined aggregated unit via dynamic routing.

The final Office Action, however, acknowledged in the first full paragraph at page 10 that the Background "fails to disclose a methodology of storing in the alternate communication device, a standardized terminal profile," not "pieces of address mask information in order to make searchable a network unit of the destination or a predetermined aggregated unit via dynamic routing."

Thus, even if persons of ordinary skill in the art at the time the invention was made were motivated to modify the Background as postulated in the final Office Action, the motivation would be toward modifying the Background to include "pieces of address mask information in order to make searchable a network unit of the destination or a predetermined aggregated unit via dynamic routing," which is not recited in claim 1.

Since claim 1, rather, recites "storing in the alternate communication device a standardized terminal profile," even if persons of ordinary skill in the art at the time the invention was made were motivated to modify the Background as postulated in the final Office Action, claim 1 would not result. It is submitted, therefore, that the final Office Action has failed to make a *prima facie* case of obviousness with respect to claim 1, since the motivation stated in the final Office Action would not produce the invention claimed in claim 1. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2, 3, 4, 9, 12, and 18 depend from claim 1 and add additional distinguishing elements. Claims 2, 3, 4, 9, 12, and 18 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 9, 12, and 18 is earnestly solicited.

Claims 20 and 21:

The eighth clause of claim 20 recites:

At least one standardized terminal profile included in terminal-relevant data in the

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alternate communication device.

Neither the Background nor Matsuhira teach, disclose, or suggest "at least one standardized terminal profile included in terminal-relevant data in the alternate communication device," as discussed above with respect to the rejection of claim 1. The motivation for modifying the Background stated in the final Office Action, moreover, would not lead to the invention claimed in claim 20, as also discussed above with respect to the rejection of claim 1. Claim 20 is submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 20 is earnestly solicited.

Claim 21 depends from claim 20 and adds further distinguishing elements. Claim 21 is thus also submitted to be allowable. Withdrawal of the rejection of claim 21 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-21 are allowable over the cited references. Allowance of all claims 1-21 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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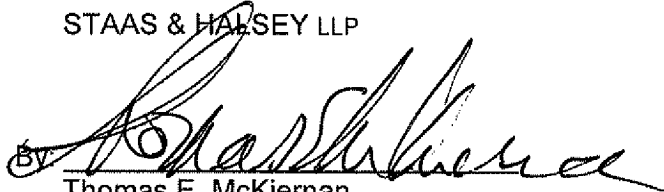
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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 01/14/08

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